

Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

December 13, 1999

Review of amended Board of Health subdivision regulations

Discussion of procedures for adoption of Rules and Regulations for administering special permits for
Personal Wireless Service Facilities

Public Hearing: Special Permit for Common Driveway to serve Lot 2 & 3, 646-698 Concord Street, Map 7,
Lots 43A and 43-2 (Judith Pettit and John Dowcett, applicants)

ANR Plan: 138 East Street, Map 22, Lots 62, 62B, 63C, 63D & 71, Theodore Treibick and Deborah
MacDonald, applicants

Continued Public Hearing: Special Permits for Conservation Cluster and Common Driveway to serve 5 lots
at High Woods, 662 West Street, Map 6, Lot 63 (Christopher Fleming, applicant) [Motion to grant
Special Permits approved 10/25/99, reconsidered and revised 11/8/99]

Review of 1999 Town Meeting Article 33 (citizens' petition) to amend Sec. 5.7 of the Zoning Bylaws,
conditions for the grant of a Senior Residential Open Space Community special permit [Request of
Selectman Chaput]

Continued Public Hearing: Amendment to Common Driveway Special Permit, Swanson Lane (Kimball
Road), Map 29, Parcels 19, 19A and 6-19, David and Kristy Erickson, applicants

ANR Plan: 849, 867 and 893 Curve Street, Map 28, Lots 4, 5, 6 and 7A, Estate of Daniel G. Ohs, Jenny
Kirkland and Paul C. and Helen L. Hart, applicants

125 West Street, Map 18, Lots 6 and 7, George and Mary Reichenbach, applicants

Chair Tice called the meeting to order at 7:30 p.m. Members Abend, Hara and Lane were present. Planning
Administrator George Mansfield was also present as well as *Mosquito* reporter David Ives. Holzman and Epstein
arrived at 7:35 p.m. Tice left the meeting at 10:10 p.m.

The minutes of November 29, 1999 were reviewed and Lane moved to accept the minutes as drafted. Hara
seconded the motion and it carried 3-0-1 with Abend abstaining. (*Holzman and Epstein arrived.*) Bills were
circulated and the PA noted that due to a computer error at LandTech, the Tall Pines bill is a revision of a previous
bill approved for payment by the Board.

Budget

Mansfield noted that he received the new budget guidelines this afternoon and presented them to the Board. These
general guidelines allow for an overall budget increase of 1.4%. FinCom has scheduled a budget hearing on
February 9, 2000 and has requested that proposed budgets be submitted one week prior to that hearing. Lane and
Mansfield will work together to prepare a budget.

Review of amended Board of Health subdivision regulations

Holzman explained that he had reviewed the regulations and found that the main amendment requires that the applicant submit a five-foot contour plan for the entire subdivision. He thought it might be simpler to amend the Planning Board regulations to require the addition of lot contours to plans. This would allow the applicant to prepare one plan for both the BOH and PB. Epstein recalled that the PB had considered this in the past and determined that such a requirement would be outside of PB jurisdiction. Mansfield noted that the PB Subdivision Rules and Regulations (Art.II.6.B.i) do require the existing topography of the entire subdivision to be shown at a two-foot contour interval. The same is required in the SROSC regulations, but the Conservation Cluster regulations do not have such a requirement. Holzman agreed to attend the BOH meeting tomorrow to clarify whether the BOH is interested in existing or proposed grading and whether the existing Planning Board regulations should be modified to meet BOH needs.

Discussion of procedures for adoption of Rules and Regulations for administering special permits for Personal Wireless Service Facilities

Tice asked Board members to review the draft wireless regulations prior to the next meeting and asked the PA to schedule approximately one hour for discussion of this topic at the January 10, 2000 meeting. The PA was also asked to forward a copy of the draft to the WAAC once the selectmen appoint someone to this committee.

Public Hearing: Special Permit for Common Driveway to serve Lot 2 & 3, 646-698 Concord Street, Map 7, Lots 43A and 43-2 (Judith Pettit and John Dowcett, applicants)

The applicant, John Dowcett, was present with his engineer, Russ Wilson of R. Wilson and Associates. Abutters Chip and D. Dewing were also present. As an abutter to this property, Board member Louise Hara recused herself from the Board for this hearing. The green cards were presented and the PA verified that the hearing had been properly advertised.

The PA noted that the Board has received letters from both the Police Chief and Fire Chief stating that they have reviewed the plan and have no concerns. A letter dated 12/7/99 has also been received from the Board's review engineer, Judith Nitsch Engineering, and forwarded to the applicant.

Wilson explained that the proposed driveway is 280 ft. long and sight distances at this location are adequate. The driveway is essentially an improvement to an existing dirt road. Epstein noted that item #7 of the Nitsch letter asked that the filter fabric in the infiltration trench be placed 4-6 inches beneath the stone. Wilson agreed to this.

Abutter Chip Dewing asked if the work that has already been done on this site agrees with the plan proposed to the Board. Dowcett stated that it did and also showed Dewing the location of the proposed dwelling.

The Board then reviewed the common driveway maintenance agreement and asked the applicant to note the most recent revision dates to the plan. Epstein also asked that utilities be located underground and that infiltration trenches be added to the maintenance agreement.

Abend stated that he would prefer to have the mailboxes located south of the common driveway.

Epstein then moved to approve the common driveway as shown on the common driveway plan in Carlisle, MA for owners Judith Pettit and John Dowcett prepared by R. Wilson and Associates, dated 11/3/99 as revised 11/17/99 with the following conditions: 1) That the infiltration trench as shown on the plan, be revised in accordance with item #7 of the Judith Nitsch Engineering, Inc. letter dated 12/7/99 to show that the filter fabric is 4 to 6 inches below the stone; 2) that in the event that mailboxes are placed at the entranceway to the common driveway, they are to be located on the south side of the common drive; 3) that the common driveway and utility easement covenants be resubmitted to the Planning Board's satisfaction based on discussion at this meeting, specifically to include revision dates, to indicate underground utilities, to define the

term "Common Driveway" and to include the maintenance of the infiltration trenches in item two, on page 2. The Board waives the requirement to name the common driveway. Abend seconded the motion. Abend then noted that the common driveway easement does not continue onto Lot 3, and that doing so would bring the easement within 40 feet of an adjacent lot line. He then moved to amend the motion to add condition 4) that approval is subject to revision of the plan to extend the common driveway easement into Lot 3, and that it be offset 15 feet from the centerline at station 2+82.92. The Board also waives the requirement that a common driveway easement be located greater than 40 feet from an outside property line. Epstein accepted this amendment and added the following statement to the motion: The Board has considered the common driveway and found that it will enhance public health and safety. Abend seconded and the Board voted 5-0-1 to approve the common driveway special permit, with Hara recused.

Lane moved to close the public hearing. Epstein seconded and the motion carried 5-0-1 with Hara recused.

ANR Plan: 138 East Street, Map 22, Lots 62, 62B, 63C, 63D & 71, Theodore Treibick and Deborah MacDonald, applicants

The applicant's engineer, Russ Wilson was present as well as abutters Bill Cuccinello of East Street and Fred Lewis of Bedford Road.

Mansfield explained that the Board received a letter dated December 9, 1999 from Judith Nitsch Engineering and it was forwarded to Wilson today via fax. The letter stated that some errors had been found with the plan and review could not be completed. Wilson agreed to correct the errors and forward the revised plan to Nitsch for a complete review. This plan will be discussed again at the next meeting on January 10, 2000.

Continued Public Hearing: Special Permits for Conservation Cluster and Common Driveway to serve 5 lots at High Woods, 662 West Street, Map 6, Lot 63 (Christopher Fleming, applicant) [Motion to grant Special Permits approved 10/25/99, reconsidered and revised 11/8/99]

Chris Fleming was present with his engineer, Joe March of Stamski and McNary. The Board's review engineer Dale MacKinnon was in attendance. The following members of the public were also present: Barry Hoffman and John Forelli of West Street; Ken Harte and Art Milliken of Estabrook Road; Eunice Knight of Bedford Road.

Mansfield noted that the special permits for the conservation cluster and for common driveway B have been approved, but the decision has not been filed pending the receipt of a common driveway maintenance agreement. Fleming then submitted the maintenance agreement.

Fleming noted that the lot lines to the open space parcels have been reconfigured based on Harte's recommendation and that the common driveway has been relocated further from the property line to address concerns raised by Hoffman. The infiltration trench will be located away from the property line as well. March stated that the last revision was submitted on 11/22/99, which raised the profile of the common driveway, to maintain a two foot ground water offset. The only change since that date was to add a level spreader to a culvert under the driveway as recommended by MacKinnon. Hoffman stated that he was happy with the revisions. Harte was satisfied with the changes made to the lot lines of the open space parcel.

Epstein asked that the conservation cluster special permit decision be revised to include the final revision date of 12/13/99 and to change the open space parcel size to 5.5 acres.

Abend asked that a note be added to post a sign for "High Woods Lane." He also asked that mailboxes be located south of the driveway and that the Post Master be consulted regarding shoulder width in that location. Epstein noted that the dates on the common driveway easements should agree with dates given in the maintenance agreements for the common driveways.

Abend then moved to approve the common driveway special permit for common driveway easement A as set forth in the plan entitled High Woods Conservation Cluster in Carlisle, MA prepared by Stamski and McNary for Christopher B. Fleming and Susan B. Dollinger dated 7/9/99, revised 9/20/99, 10/8/99, 10/25/99, 10/27/99, 11/18/99 and 12/13/99 conditioned on the submission of a common driveway maintenance agreement to the Planning Board to include the following: 1) A sign for "High Woods Lane" shall be posted to the satisfaction of the Building Inspector; 2) Mailboxes shall be placed either across the street or south of the common driveway with sufficient shoulder width at the discretion of the Post Master; 3) A note stating that none of the lots served by the common driveway shall be accessed except through the common driveway. Hara seconded the motion and it carried 5-0-1 with Epstein abstaining.

Abend moved to close the public hearing. Lane seconded and the motion carried 5-0-1 with Epstein abstaining.

Review of 1999 Town Meeting Article 33 (citizens' petition) to amend Sec. 5.7 of the Zoning Bylaws, conditions for the grant of a Senior Residential Open Space Community special permit [Request of Selectman Chaput]

Selectman Chaput asked the Board to consider the citizen's request to amend the SROSC bylaw regarding square footage and minimum age requirements. She asked the Board to review this request and prepare to present it at Spring Town Meeting. The Board agreed to place this topic on their agenda for January 10, 2000. Chaput also asked the Board to consider possible amendments to the Conservation Cluster bylaw.

Continued Public Hearing: Amendment to Common Driveway Special Permit, Swanson Lane (Kimball Road), Map 29, Parcels 19, 19A and 6-19, David and Kristy Erickson, applicants

The applicant David Erickson was present with his engineer, Joe March of Stamski and McNary. Fire Chief Bob Koning was in attendance. The following abutters were also present: Rod Walton of Ledgewood Drive in Westford; Dennis and Joanne Rainville and Patricia A. Kovach of Swanson Lane; Karen and Bill Glazier of Kimball Road.

Mansfield explained that no testimony was taken at the last meeting, but the fire chief's letter had requested installation of a cistern. The Board had discussed whether or not this amendment to the plan would require readvertisement. At the last meeting several abutters had also stated that they were not notified of this public hearing. After that meeting, it was determined that these abutters did not own their lot at the time the abutters list was generated in March, 1999. Therefore, they were not mailed a notification. Because abutters were present this evening, the Board agreed to proceed without requiring further notification.

March explained that Koning has requested the addition of a 20,000 gallon cistern at approximately station 3+0, and also requested that the 20' wide pavement at this location be increased to a length of 40'. March also noted that the applicant would donate 3.8 acres to the Town.

The Board was concerned about the pavement leading directly into the bridge abutments. March offered to install guardrails at the bridge corners. Residents who use the bridge stated that they do not have a problem with the bridge as it currently exists.

Erickson said that the proposed cistern is in the buffer zone and he is not sure if ConsCom will approve its locations. Epstein noted that the cistern will be within the common driveway easement and he asked who would be responsible for its maintenance. Koning stated that the Town would have an easement over the common driveway in order to access and maintain the cistern.

Abutters asked about location of trails and expressed their opposition to the alternative of a subdivision road through to Fiske Street.

The Board then raised questions regarding access to the proposed lots through their frontages, if not served by the common driveway. They noted that the existing common driveway easement is located across the proposed frontage for the two new lots. March argued that the common driveway regulations do not require real access and showed how individual driveways could access the lots adjacent to the existing easement. Abend asked for a sketch plan at the next meeting. The Board noted that the alternative subdivision road plan is not likely to go forward because it would require agreement from all the lot owners using the common driveway. Erickson felt that he is only required to provide access to the lots, not necessarily via the existing common driveway. March argued that even if a subdivision road is not a feasible alternative, the common driveway plan benefits the Town by providing additional fire protection and a parcel of open space. Ken Harte noted that the proposed donation of land is significant and will help connect important pieces of existing open space.

Lane asked if those who signed the common driveway maintenance agreement would be required to sign a revised agreement if a cistern is added. Erickson explained that this would not be necessary because the common driveway easement is on his lot and he will bear the cost of the cistern and all modifications. The two new lots will become parties to the revised maintenance agreement.

Holzman felt that the access issues are unique to this site, and given that decisions do not set precedent, he felt comfortable moving forward with the plan. Other Board members continued to express concerns over access and procedural details. Hara asked to see existing paths and easements on the plan. Epstein suggested that this plan be submitted to Town Counsel to review the question of access. Board members agreed that no engineering review is required, but that they need legal advice. The PA agreed to advise Erickson of any possible review fees prior to submitting the plan to Town Counsel.

Abend moved to continue the public hearing to January 10, 2000 at 9:00 p.m. Lane seconded the motion and it carried 6-0.

The PA will draft questions and ask Board members to review them, prior to forwarding the request to Town Counsel.

(Tice left the meeting.)

ANR Plan: 849, 867 and 893 Curve Street, Map 28, Lots 4, 5, 6 and 7A, Estate of Daniel G. Ohs, Jenny Kirkland and Paul C. and Helen L. Hart, applicants

Attorney Joseph Shanahan and engineer Joe March of Stamski and McNary were present to represent the applicants. Brigitte Senkler of Curve Street was also present.

Shanahan explained the ANR plan, which reconfigures several lot lines in order to create new lots and parcels for all the applicants and to allow the sale of Lot 13 and Parcel G to Paul and Helen Hart.

Mansfield noted that the plan was somewhat confusing with inconsistent labelling of lots and parcels. The Board asked the secretary to note "consistent labelling of lots and parcels" as a possible requirement when amending the rules and regulations in the future.

Abend noted that Lot 13 is buildable, but its potential driveway access adjacent to the proposed subdivision road would be too close to allow for an intersection at this location. For safety reasons, Abend was in favor of allowing access to this lot via the new subdivision road, even if this would mean exceeding the maximum number of allowable lots on a cul-de-sac. Other Board members noted that this is a matter for the applicants and must be decided based upon whether the subdivision application is presented to the Board prior to building on Lot 13.

Mansfield felt that Parcels 4 and 5 should show ellipses, but Shanahan and March maintained that because they have existing dwellings, this is not required. Mansfield felt the ellipse was necessary to maintain lot regularity, not to determine the location of a dwelling.


Abend moved to endorse the ANR plan of land in Carlisle, MA prepared by Stamski and McNary for Paul C. and Helen L. Hart dated 9/14/99, revised 9/13/99. Lane seconded the motion and it carried 5-0.

125 West Street, Map 18, Lots 6 and 7, George and Mary Reichenbach, applicants

The PA explained that this ANR creates a standard 2-acre building lot and a 13-acre parcel. Hara moved to endorse the ANR plan of land in Carlisle, MA prepared by Stamski and McNary for George and Mary Reichenbach dated 12/6/99. Abend seconded the motion and it carried 5-0.

At 10:53 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,


Anja M. Stam
Recording Secretary